IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

WP(C).No. 5981 of 2007(K)

PETITIONER:

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1. SIVARAJAN UNNITHAN,
   SUMADIR, PADA SOUTH, KARUNAGAPPALLY,
   KOLLAM DISTRICT.

2. THE CHIEF MANAGER,
   KERALA FINANCIAL CORPORATION, DISTRICT OFFICE,
   Y.M.C.A BUILDING, KOLLAM 691 001.

3. THE DISTRICT COLLECTOR,
   KOLLAM.

4. THE DEPUTY TAHSILDAR(REVENUE RECOVERY),
   KUNNATHUR TALUK, SASTHAMKOTTA.

BY ADV. SRI.PHILIP T.VARGHESE
SMT.A.SREEKALA

RESPONDENTS:

KERALA FINANCIAL CORPORATION,
VELLAYAMBALAM, THIRUVANANTHAPURAM,
REPRESENTED BY ITS MANAGING DIRECTOR.

BY ADV.SRI.A.A.ABDUL HASSAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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W.P.(C)No.5981 Of 2007

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Dated this the 22nd day of February, 2007.

J U D G M E N T

Heard.

2. The petitioner's complaint is that some of his personal properties are being proceeded against under the Revenue Recovery Act, for recovery of amounts due from a debtor M/s.Modern Wood Tech. The claim of the petitioner is that he is not liable under the contract and there can be no recovery proceedings against his properties. The petitioner has an adequate remedy under the Revenue Recovery Act to avail, so that the competent Officer under that Act will decide on such claim.

3. Another contention raised is regarding the sale under Section 29 of the State Financial Corporations Act, which is confirmed and final. It is also noticed that such sale was made after the property was offered to the co-obligants. What ever

that be, such proceedings have become final and cannot be interfered with any of the grounds raised in the writ petition.

This writ petition fails and is hence dismissed, without prejudice to any alternate remedy under the Revenue Recovery Act as stated above.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

sj